

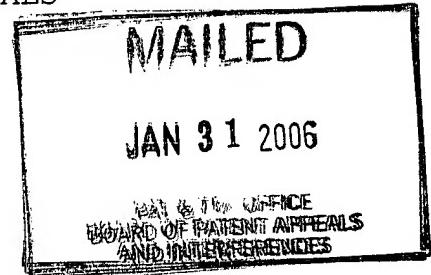
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte URI ELZUR

Appeal No. 2006-0118  
Application 09/364,085



ON BRIEF

Before HAIRSTON, DIXON, and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 8 and 14 through 19.

The disclosed invention relates to a method and system for storing a table of entries identifying different packet flows, and for associating a received packet with one of the packet entries in the table.

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Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for use with a computer system, comprising:
  - storing a table in a memory of a peripheral, the table including entries identifying different packet flows;
  - receiving a packet; and
  - using the table to associate the packet with one of the packet flows.

The references relied on by the examiner are:

Radogna et al. (Radogna)	5,991,299	Nov. 23, 1999
		(filed Sept. 11, 1997)
Jackowski et al. (Jackowski)	6,141,686	Oct. 31, 2000
		(filed June 23, 1998)
Law et al. (Law)	6,330,602	Dec. 11, 2001
		(filed Nov. 7, 1997)

Claims 1, 3 through 8, 14, 15 and 17 through 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jackowski in view of Law.

Claims 2 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jackowski in view of Law and Radogna.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 8 and 14 through 19.

Jackowski discloses (column 11, lines 30 through 65) that "[f]lows are sequences of data packets sent or received between two endpoints," and that packet flows are stored in tables 95 and 96. The examiner acknowledges (answer, page 3) that "Jackowski does not explicitly teach the step of storing a table in a memory of a peripheral." According to the examiner (answer, page 3), "Law teaches . . . storing a table in a memory of a peripheral (figures 4-5, col. 5 lines 19-col. 6 lines 24)." Based upon the purported teachings of Law, the examiner concludes (answer, page 3) that:

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that Jackowski suggests the process of storing a table in a memory to modify the process of storing a table in a memory of a peripheral by Law. One of ordinary skill in the art would have been motivated to modify Jackowski in view of Law because it would make the data loading faster and increase performance of client and server.

Appellant argues inter alia (brief, page 22) that "[t]he Examiner fails to establish a *prima facie* case of obviousness for independent claim 1 for at least the reason that the Examiner fails to provide any support for the alleged suggestion or

motivation to modify Jackowski so that the table of Jackowski is stored in a memory of a peripheral."

We agree with appellant's argument. Nothing in the record supports the examiner's conclusions of obviousness. The mere speculation of the examiner as to the benefits<sup>1</sup> as well as the disadvantages of the applied prior art can not serve as the basis of a finding of obviousness. Stated differently, only the objective teachings of the prior art or knowledge generally available to one of ordinary skill in the art can be used by the examiner in an obviousness determination. See In re Lee, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

In summary, the obviousness rejection of claims 1, 3 through 8, 14, 15 and 17 through 19 is reversed for lack of a prima facie case of obviousness.

The obviousness rejection of claims 2 and 16 is reversed because the teachings of Radogna do not cure the noted shortcoming in the teachings of Jackowski and Law.

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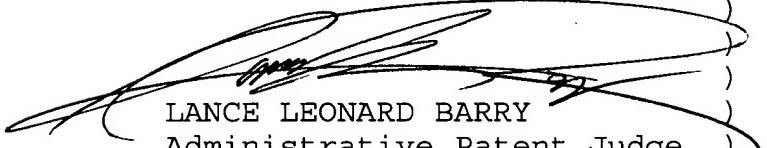
<sup>1</sup> The examiner's alleged advantage of making "data loading faster" would be defeated by moving the stored tables from an integral memory to a peripheral memory.

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DECISION

The decision of the examiner rejecting claims 1 through 8 and 14 through 19 under 35 U.S.C. § 103(a) is reversed.

REVERSED

  
KENNETH W. HAIRSTON )  
Administrative Patent Judge )  
                          )  
  
  
JOSEPH L. DIXON )  
Administrative Patent Judge )  
                          )  
  
  
LANCE LEONARD BARRY )  
Administrative Patent Judge )

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TIMOTHY N TROP  
TROP PRUNER HU & MILES, P.C.  
8554 KATY FREEWAY  
STE. 100  
HOUSTON, TX 77024